IOWA STATE BAR ASSOCIATION
Official Form No. 116 (Trade-Mark Registered, State of Iowa, 1967)

FOR THE LEGAL EFFECT OF THE USE OF THIS FORM, CONSULT YOUR LAWYER

AFFIDAVIT IN SUPPORT OF FORFEITURE OF REAL ESTATE CONTRACT

TO WHOM IT MAY CONCERN:

STATE OF IOWA }
} ss:
COUNTY OF DELAWARE }

The undersigned, first being duly sworn upon oath (or upon affirmation) deposes and states:

That the relationship of the undersigned to this transaction appears from the **Notice of Forfeiture of Real Estate Contract, hereto attached, together with return(s) of service thereof;** which Notice and return(s) are by this reference made a part of this affidavit as fully as if set forth herein; that by reason of such relationship the facts herein stated are within the personal knowledge of such affiant.

That the parties served, as shown by said returns, included all parties in possession of said real estate at the time of service of said notice.

●

That, as shown by such returns, more than 30 days have passed since the service of such Notice.

That the default(s) mentioned in said Notice (has) (have) not been removed nor performed nor paid in any amount by said vendee(s), nor by anyone; and that therefore the terms and conditions as to which there is and has been a default have not been performed within the 30 days mentioned in said Notice, nor at any time by anyone; nor has any sum been offered or tendered by said vendees or anyone; that vendor(s) have (has) retaken possession of said real estate following the expiration of said 30 day period.

That the Real Estate Contract mentioned in said Notice specifically provides for the forfeiture of the vendee(s') rights in such contract in accordance with Code Chapter 656.

That none of the parties upon whom such Notice of Forfeiture was so served, was at the time of the service of said Notice upon them, or at the time of making this affidavit, in the military service or with the Armed Forces of the United States of America, or are they or any of them in any way entitled to any rights under the Soldiers' and Sailors' Civil Relief Act or similar act or acts amendatory thereof or supplementary thereto.

That this affidavit is made as supporting proof, record and notice that the contract referred to in said Notice of Forfeiture is now null and void, stands forfeited and cancelled and is of no force and effect whatsoever.

E. Michael Carr
E. Michael Carr Affiant

DIANNE K. FOUST Iowa NOTARIAL SEAL

Subscribed in my presence and sworn to (or affirmed) before me by the said Affiant this 11 day of June 19 90

Dianne K. Foust

Dianne K. Foust ..... Notary Public in and for The State of Iowa.

● The space as indicated above, is reserved to conveniently "tailor" for special situations and to set forth facts to sustain notice by publication or for both of such purposes. See Section 656.3; R.C.P. 60, 60.1 and 62. Suggested: That Personal Service could not and cannot be made upon _____ and _____ in the State of Iowa; that on the _____ day of _____, 19____, a copy of said Notice was sent by ordinary mail addressed to said (party) (parties) at their last known mailing address, to-wit: _____

Code Chapter 656

RECORDER'S CERTIFICATE

STATE OF IOWA, COUNTY OF Delaware, ss:

The undersigned Recorder in and for said County in the State aforesaid, hereby certifies that the foregoing affidavit together with Notice and returns thereto attached was filed in the said Recorder's Office by the party or parties causing said Notice to be served as shown by the Notice, on the 12 day of June, 19 90.

Deborah L. Peyton
DEBORAH L. PEYTON, Deputy Recorder

FILE No. 20-2930	FILED FOR RECORD THE 12 DAY OF	STATE OF IOWA, DELAWARE COUNTY
RECORDING FEE $ 10.00	June, 19 90 AT 9:16	Joan Sheppard, Recorder
TRANSFER FEE $	O'CLOCK A.M. BOOK 16 PAGE 202	Aff.

IOWA STATE BAR ASSOCIATION
(Trade-Mark Registered, State of Iowa, 1967)

FOR THE LEGAL EFFECT OF THE USE OF THIS FORM, CONSULT YOUR LAWYER

NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO: Don Ruefer, Delhi, IA 52223

You and each of you are hereby notified:

(1) The terms of the written contract dated August 31, 1978, and executed by & recorded in Book 39 T.L.D. page 122, Delaware County, Iowa Kenneth Hubbard & Lucille A. Hubbard, husband & wife & Howard Meister & Audrey L. Meister, husband & wife d/b/a H & M Service Center,

as Vendors, and Don Ruefer, as Vendees,

for the sale of the following described real estate:

Lots One (1) and Two (2) and the East forty six (46.0) feet of Lot Three (3), Block Four (4), Delhi, Iowa.

has not been complied within the following specific particulars:

(a) Payments due on April 1, 1990 and May 1, 1990 in the amount of $706.78 each have not been paid	1,413.56
(b)	
(c)	
(d)	
Total	1,413.56

(2) The contract shall stand forfeited unless the parties in default, within 30 days after the completed service of this notice, shall perform the terms and conditions in default, and in addition pay the reasonable costs of serving this notice.

(3) The amount of attorney fees claimed by the Vendors pursuant to Section 656.7, The Code is $ 50.00 (not to exceed $50.00). Payment of the attorney fees is not required to comply with this notice in order to prevent forfeiture.

KENNETH HUBBARD & LUCILLE A. HUBBARD & HOWARD MEISTER & AUDREY L. MEISTER d/b/a H & M SERVICE CENTER

Vendors (or Successors in Interest)

By E. Michael Carr Their Attorney—

E. Michael Carr

Address: 117 S. Franklin ST.

Manchester, IA 52057

Chapter 656, The Code

ACKNOWLEDGEMENT OF SERVICE

The undersigned hereby acknowledge due, timely and legal service of this notice, and acknowledge receipt of a copy at the time and place set opposite their respective names.

	Date of Service	Place of Service
X Don Ruefer Don Ruefer	5-12-90	Creston, Iowa

RETURN OF SERVICE — Personal

STATE of _____ ,

ss.

County of _____

The undersigned first being duly sworn, upon oath deposes and states that he served the notice on the reverse side on each of the persons to whom the notice is addressed, and named below, by delivering a copy of the notice to each of the persons at the time and place set opposite their respective names:

Persons Served	Day	Month	Year	City, Town or Township	County	State

_____

Subscribed in my presence and sworn to before me by the affiant _____, 19____.

_____

_____ , Notary Public in the above State.

FEES

Service . . . . . $ _____

Copies . . . . . $ _____

Mileage . . . . . $ _____

Total . . . . . $ _____

Mike Carr, Atty.-Pd. ✓

20-2930
DELAWARE COUNTY IOWA
FILED
'90 JUN 12 AM 9 16
BOOK 16 PAGE 202
JOAN SHEPPARD
RECORDER ✓
$10.00

TO
WHOM IT MAY CONCERN

E. MICHAEL CARR

RETURN OF SERVICE — Leaving Copy

STATE OF _____ ,

ss.

County of _____

The undersigned, being first duly sworn, upon oath deposes and states that on _____

19____, he served the notice on the reverse side on _____

at his _____ dwelling house or usual place of abode in the City, Town or Township of _____

in _____ County, ____ , and which place was not a rooming house, hotel, club or

apartment building, by there delivering a copy of the notice to _____

_____

a person residing there who was then at least eighteen years old.

_____

Subscribed in my presence and sworn to before me by the affiant _____ , 19____.

_____ _____

_____ ,Notary Public in the above State.